

SENATE JOURNAL

Thirty-fifth Legislature—Fourth Called Session.

FIRST DAY

Senate Chamber,
Austin, Texas,
Tuesday, February 26, 1918.

In obedience to the call of His Excellency, Hon. W. P. Hobby, Governor of the State of Texas, convening the Thirty-fifth Legislature in Fourth Special Session this, the 26th day of February, 1918, the Senate met in the Senate Chamber of the Capitol in the city of Austin at 10 o'clock a. m. and was called to order by Acting Lieutenant Governor W. A. Johnson.

Temporary Officers.

The Chair announced the appointment of the following temporary officers: Secretary, Ralph Soape of Rusk County; Journal Clerk, T. H. Yarbrough of Montague County; Sergeant-at-Arms, M. F. Hornbuckle of Bosque County; Doorkeeper, Capt. Geo. T. Walker of Travis County; Calendar Clerk, W. C. Day of Harris County; Engrossing Clerk, Mrs. Clara Hemphill of Travis County; Enrolling Clerk, Mrs. Albert Stelfox of Travis County.

Roll Call.

The Chair directed the Secretary to call the roll of the Senate. A quorum was present, the following Senators answering to their names:

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| Alderdice. | Hopkins. |
| Bailey. | Johnson of Hall. |
| Buchanan of Bell. | Johnston of Harris. |
| Buchanan of Scurry. | Lattimore. |
| Caldwell. | McNealus. |
| Clark. | Page. |
| Collins. | Smith. |
| Dayton. | Strickland. |
| Dean. | Sulter. |
| Decherd. | Westbrook. |
| Hall. | Woodward. |

Absent—Excused.

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| Bee. | Hudspeth. |
| Floyd. | McCollum. |
| Gibson. | Parr. |
| Henderson. | Robbins. |

Prayer by Rev. S. H. Morgan of Bastrop County.

Proclamation by the Governor of the State of Texas.

I, W. P. Hobby, Governor of Texas, by virtue of the authority vested in me by the Constitution of the State of Texas in Article 4, Section 8, do hereby call an extraordinary session of the Legislature to convene in the City of Austin, Texas, at ten o'clock a. m., Tuesday, February 26, A. D. 1918, for the following purposes, to wit:

1. To enact a law to prohibit the sale of spirituous, vinous or malt liquors, or medicated bitters, capable of producing intoxication, by any person in the State of Texas, within ten miles of any camp where soldiers of the United States Army, or Navy, or Marines, are being trained for military service in time of war, and to make a single sale a violation, punishable as a felony.

2. To enact a law to prohibit the sale of spirituous, vinous or malt liquors, or medicated bitters, capable of producing intoxication, to any person engaged, employed or enlisted in the military or naval service of the United States and in uniform, and to make such sale unlawful and to define each sale as an offense and to affix the punishment for violation thereof as a felony.

3. To enact a law to prohibit the sale of any spirituous, vinous or malt liquors, or medicated bitters, capable of producing intoxication, to any person engaged, employed or enlisted in the military or naval service of the United States and in uniform,

and to make such sale unlawful and to define each sale as an offense and to affix the punishment for violation thereof as a felony.

4. To enact a law to prohibit any person from directly or indirectly purchasing for, procuring for or giving to any person employed, enlisted or engaged in the military forces of the United States, whether in uniform or not, and from directly or indirectly delivering to any person employed, enlisted or engaged in the military or naval forces of the United States, whether in uniform or not at the time of such purchase for, procurement, or gift, or delivery to, of any spirituous, vinous or malt liquors, or medicated bitters, capable of producing intoxication, and providing that each such act shall be an offense and to provide punishment thereof as a felony.

5. To enact a law to prohibit any person from soliciting any person engaged, employed or enlisted in the Military or Naval service of the United States, to meet, make an appointment with, or otherwise come in contact with any lewd woman, or to have unlawful relation with any immoral woman and to make such solicitation unlawful and the punishment thereof a felony.

6. To enact such legislation as in the judgment of the Legislature may be necessary and proper to meet the unusual conditions that have arisen on account of the severe drouth recently prevailing in this State, providing relief for the citizens in drouth stricken sections, especially in those sections where the food and feed crops have been failures during the past season, and rendering available for immediate use such credits as may be extended by the United States through its designated depositories.

7. To enact legislation making effective the amendment to the Constitution of the State, adopted by the people in August, 1917, which is Article 16, Section 59, of the Constitution, providing for the conservation of the natural resources of the State.

8. To enact an adequate and uniform depository law for the State of Texas.

9. To consider and act upon such other matters of vital importance as may be presented by the Governor pursuant to Section 40, Article 3, of the Constitution of Texas.

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the seal of state, at the city of Austin, Texas, this 19th day of February, A. D. 1918.

(Seal) W. P. HOBBY,
Governor of Texas.

By the Governor:

GEO. F. HOWARD,
Secretary of State.

President Pro Tem.—Election Of.

The Chair announced that nominations for President Pro Tem. of the Senate for the ensuing Fourth Called Session were now in order.

Senator Westbrook placed in nomination for that place Senator E. A. Decherd of Robertson County.

The nomination was seconded by Senators Dean, Clark, Smith, Lattimore, Alderdice, Dayton and Johnston of Harris.

There being no other nominations, the Chair declared nominations closed, and appointed as tellers Senators Westbrook, Clark and Smith.

Senator Decherd received eighteen votes, being a majority of all votes cast, and was declared to be duly and constitutionally elected President Pro Tempore of the Senate during the Fourth Called Session of the Thirty-fifth Legislature.

The Chair appointed Senators Lattimore, Dean and Alderdice as a committee to escort President Pro Tem. Decherd to the President's stand, whereupon he took the constitutional oath of office, administered by Acting Lieutenant Governor Johnson.

President Pro Tem. Decherd addressed the Senate briefly and then took the chair and presided.

Report of Caucus Committee.

Senate Chamber,
Austin, Texas, Feb. 26, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Upon the call of Senator McNealus, chairman of the last caucus held by the Texas Senate, a caucus was held in the Finance Room of the Senate on last night, attended by a majority of the members of the Senate, to determine the number and the personnel of the employes and offi-

cers of the Senate during the current session. Senator McNealus was elected chairman of the caucus and Senator Caldwell secretary.

The following are recommended as the officers and employes of the Senate during the ensuing session:

Secretary, Ralph Soape.
 Assistant Secretary, J. B. Bennett.
 Journal Clerk, T. H. Yarbrough.
 Assistant Journal Clerk, F. H. Pierson.
 Second Assistant Journal Clerk, Miss Lillas Matthews.
 Calendar Clerk, W. C. Day.
 Sergeant-at-Arms, M. F. Hornbuckle.
 First Assistant Sergeant-at-Arms, J. A. Kenny.
 Second Assistant Sergeant-at-Arms, Billy Skeen.
 Doorkeeper, Captain George T. Walker.
 Assistant Doorkeeper, J. W. Douglass.
 Enrolling Clerk, Mrs. Albert Stelfox.
 Assistant Enrolling Clerk, Mrs. Bonnie Campbell.
 Engrossing Clerk, Mrs. Clara Hemphill.
 Assistant Engrossing Clerk, Mrs. Myrtle Morrison.
 Postmistress, Mrs. Clyde D. Smith.
 Chaplain, Rev. S. H. Morgan.
 Telephone Messenger, Miss Jacobs.

It is further recommended that each Senator be permitted to appoint one stenographer-typist, and that such employe act as clerk of any committee of which such Senator may be chairman.

It is further recommended that the President Pro Tempore appoint such pages as are necessary, not to exceed ten in number, and also to appoint such porters as are necessary.

It is further recommended that the compensation of all officers and employes of the Senate be five dollars per day, except that the Secretary and the Journal Clerk be paid seven dollars per day, and except further that the telephone messenger, the pages and the porters be paid only two dollars per day.

It is further recommended that the President Pro Tempore be given authority to fill any vacancies occurring during the session, and to dispense with the services of any employes which may be deemed unnecessary and further to appoint such addition-

al employes as may be necessary for the dispatch of the Senate's business.

McNEALUS, Chairman.
 CALDWELL, Secretary.

The report was laid before the Senate and on motion of Senator McNealus the same was adopted.

Personnel of Officers.

The following is the personnel of the officers and employes of the Senate during the ensuing session:

Secretary, Ralph Soape.
 Assistant Secretary, J. B. Bennett.
 Journal Clerk, T. H. Yarbrough.
 Assistant Journal Clerk, Miss Lillas Matthews.
 Calendar Clerk, W. C. Day.
 Sergeant-at-Arms, M. F. Hornbuckle.
 First Assistant Sergeant-at-Arms, J. A. Kenny.
 Second Assistant Sergeant-at-Arms, Billy Skeen.
 Doorkeeper, Capt. Geo. T. Walker.
 Assistant Doorkeeper, J. W. Douglass.
 Enrolling Clerk, Mrs. Albert Stelfox.
 Assistant Enrolling Clerk, Mrs. Bonnie Campbell.
 Engrossing Clerk, Mrs. Clara Hemphill.
 Assistant Engrossing Clerk, Mrs. Myrtle Morrison.
 Postmaster, Mrs. Clyde D. Smith.
 Chaplain, Rev. S. H. Morgan.
 Telephone Messenger, Miss Mary Jacobs.

Officers Elected.

On motion of Senator Caldwell the Secretary was directed to cast the vote of the entire Senate for the elective officers of the Senate the same was done, and the officers were declared elected.

Oath of Office Administered to Officers.

Here the following officers appeared en masse before the bar of the Senate and took the oath of office, administered by President Pro Tem. Decherd.

Secretary, Ralph Soape; Assistant Secretary, J. Burney Bennett; Journal Clerk, T. H. Yarbrough; Sec-

ond Assistant Journal Clerk, Miss Lillas Matthews; Calendar Clerk, W. C. Day; Sergeant-at-Arms, M. F. Hornbuckle; First Assistant Sergeant-at-Arms, J. A. Kenny; Second Assistant Sergeant-at-Arms, Billy Skeen; Doorkeeper, Capt. Geo. T. Walker; Assistant Doorkeeper, J. W. Douglass; Enrolling Clerk, Mrs. Albert Stelfox; Assistant Enrolling Clerk, Mrs. Bonnie Campbell; Engrossing Clerk, Mrs. Clara Hemphill; Assistant Engrossing Clerk, Mrs. Myrtle Morrison.

Excused.

The following Senators were excused on account of important business:

Senator Bee for today and tomorrow, on motion of Senator Bailey.

Senator Hudspeth, for the week, on motion of Senator Smith.

Senator McCollum, for the week, on motion of Senator Page.

Senator Parr, for the week, on motion of Senator Clark.

Senator Gibson, for the week, on motion of Senator Westbrook.

Senator Henderson, for the week, on motion of Senator Dayton.

Senator Floyd, for the week, on account of sickness, on motion of Senator Westbrook.

Petitions and Memorials.

See Appendix.

Committee Reports.

See Appendix.

Bills and Resolutions.

Simple Resolution No. 1.

Resolved, That the President of the Senate appoint two committees of three each, one to notify the Governor and one to notify the House that the Senate is organized and ready for the dispatch of business.

CALDWELL.

The resolution was read and adopted.

Notification Committees

The Chair appointed Senators Page, Westbrook and Smith as a committee to notify the Governor that the Senate is organized and ready to receive such messages as he may desire to transmit to it.

The Chair also appointed Senators Clark, Dean and Alderdice as a committee to notify the House that the Senate is organized and ready for the transaction of business.

Each of the above committees proceeded at once to the performance of their duties, and made report, and were discharged.

Simple Resolution No. 2.

Resolved, That each Senator be permitted to subscribe for five daily newspapers during the current session, the same to be paid for out of the contingent expense fund.

CALDWELL.

The resolution was read and adopted.

Simple Resolution No. 3.

Resolved, That each Senator, in addition to the postage and stationery furnished him, be allowed expenses for transmitting and receiving such telegrams and telephone messages as may be actually necessary in the discharge of his official duties, not to exceed during the session the aggregate sum of twenty-five dollars. All bills for such telegram and telephone messages to be paid out of the contingent fund of the Senate when approved by such Senator incurring the same.

CALDWELL.

The resolution was read and Senator Suiter moved to table the same.

The motion to table was lost by the following vote.

Yeas—2.

Collins. Suiter.

Nays—18.

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| Alderdice. | Dayton. |
| Bailey. | Dean. |
| Buchanan of Bell. | Decherd. |
| Buchanan of Scurry. | Hopkins. |
| Caldwell. | Johnson of Hall. |
| Clark. | Johnston of Harris. |

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| Lattimore. | Smith. |
| McNealus. | Westbrook. |
| Page. | Woodward. |

Absent.

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| Bee. | Hudspeth. |
| Floyd. | McCollum. |
| Gibson. | Parr. |
| Hall. | Robbins. |
| Henderson. | Strickland. |

Action then recurred upon the resolution and the same was adopted.

House Notifies Senate.

Here a committee of three members of the House appeared at the bar of the Senate and notified the Senate that the House is organized and ready for business.

The Senate received the message and thanked the committee.

Bills and Resolutions.

By Senator Hopkins:

S. B. No. 1, A bill to be entitled "An Act to amend Chapter 1 of Title 44 of the Revised Civil Statutes of the State of Texas of 1911, and to provide the manner in which the State funds shall be kept and deposited; to define the State Depository Board and its powers, and what banks may become State Depositories, and the manner and means of selecting such State Depositories, providing for the distribution of such State funds among such depositories, repealing all laws in conflict, and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Westbrook:

S. B. No. 2, A bill to be entitled "An Act to prohibit any person from soliciting or attempting to solicit or to be concerned in soliciting any person engaged, employed or enlisted in the military or naval services of the United States, to meet, make appointment with or to otherwise come in contact with any lewd woman for the purpose of prostitution, making such offense a felony and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senators Westbrook, Decherd, Hopkins, Dean, Collins, Alderdice, Buchanan of Bell, Smith, Buchanan of Scurry, Johnson of Hall, Dayton, Suiter, Lattimore, Strickland and Floyd:

S. J. R. No. 1, "Ratifying the amendment to the Constitution of the United States of America proposed by the Sixty-fifth Congress of the United States at its second session, prohibiting the manufacture, sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes; authorizing Congress and the several States of the United States of America to have concurrent power to enforce said article by appropriate legislation, and providing that said article shall be inoperative unless it shall have been ratified as an amendment to the Constitution of the United States by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission of same to the States by Congress."

Read first time and referred to the Committee on Constitutional Amendments.

Simple Resolution No. 4.

Resolved, That twelve hundred copies of each day's Journal be printed and that the Sergeant-at-Arms be instructed to pro rate such copies among the Senators equally.

CALDWELL.

The resolution was read and Senator Clark offered the following amendment:

Amend the resolution by striking out the words "twelve hundred" and insert in lieu thereof the words "fifteen hundred".

On motion of Senator Caldwell, the amendment was tabled.

Action then recurred upon the resolution, and the same was adopted.

Simple Resolution No. 5.

Resolved, That the rules of the Senate for the Third Called Session be adopted as rules for the Fourth Called session.

CALDWELL.

The resolution was read and adopted.

Simple Resolution No. 6.

Resolved, That twelve copies of the daily Journal and twelve copies of each printed bill be delivered by the Sergeant-at-Arms to the State Library.

CALDWELL.

The resolution was read and adopted.

Senate Concurrent Resolution No. 1.

Resolved by the Senate, the House of Representatives concurring, That the Joint Rules of the Third Called Session of the Thirty-fifth Legislature be adopted as the Joint Rules of the Fourth Called Session of the Thirty-fifth Legislature.

CALDWELL.

The resolution was read and adopted.

Simple Resolution No. 7.

Resolved, That the Sergeant-at-Arms pay for the rent of such typewriter machines as may be necessary for the employes of the Senate, not to exceed four dollars a month for each machine.

CALDWELL.

The resolution was read and on the motion of Senator Caldwell was laid on the table subject to call.

Simple Resolution No. 8.

Whereas, The information has reached this Chamber that the Hon. James A. Florer, a member of the House of Representatives, in the Thirty-fifth Legislature, from Dallas County, has died from the effects of injuries received in an accident while en route to a train to come to Austin to attend to his official duties as a member of the Legislature; therefore, be it

Resolved, That the Senate hears of this tragic death with the keenest of regret, and extends its condolence and sympathies to the bereaved family and friends of the deceased; be it further

Resolved, That when the Senate shall adjourn today it shall do so in respect to the memory of Hon. James A. Florer.

McNEALUS.

The resolution was read and adopted.

Privileged Statement.

The Chair laid before the Senate, certain correspondence between Mr. Howerton and Senator Page.

On motion of Senator Page, the letters were ordered printed in full in the Journal, and will be found in the Appendix.

Message from the Governor.

Here a messenger from the Governor, Mr. S. R. Brooks, appeared at the bar of the Senate with the following executive message:

Governor's Office,

Austin, Texas, Feb. 26, 1918.

To the Thirty-fifth Legislature of Texas in Fourth Called Session:

It is respectfully recommended that laws be passed making it more difficult for soldiers in the camps of Texas to obtain liquor and to safeguard their surroundings from the evils and diseases growing out of commercialized vice; making operative the amendment to Article 16, Section 59 of the Constitution of the State, adopted by the people in August, 1917, providing for conservation of the natural resources of the State; making an adequate and uniform and profitable system of depositing the funds of the State of Texas.

The Federal Government has the task of raising an army properly trained and equipped for winning a war that involves not only the life and existence of our country but involves the existence of freedom and democracy everywhere in the world. To make the task of the Federal Government easier in this respect is a service the State should perform in the same spirit and with the same loyalty and with the same courage that her gallant young men offer to lay their lives upon their country's altar. Sacrifice and service should be the only thought of every State in this Union, and should be the supreme guide for soldier and civilian alike in this fateful crisis causing Texas in usefulness and helpfulness to lead all the rest. The call is made upon our State by the chief officer charged with the responsibility of

raising this army to adopt those measures which will prove effective in removing from camp environment liquor and all influences which interfere with the training activities of the army. Texas should answer this call through the voice of her law-making authority and to that end I have submitted to you in official proclamation the suggestion of enactments which in my judgment will be effective.

I gave careful consideration for several days to various plans offered by those who are interested in the welfare of our soldiers, reaching the conclusion that these enactments will stop the sale of liquor and banish the procurer and the peddler from even the approaches to army camps in Texas.

I recommend that it be made a felony to sell liquor of any kind except for scientific, sacramental and medicinal purposes to any person within ten miles of any military camp, station, fort, post, cantonment, training or mobilization place for soldiers and sailors in the service of the United States, or where soldiers or sailors are being trained for this purpose. It is my judgment that with the source of supply thus far removed the carrier or the peddler can be more easily detected and the present constabulary of our State and counties and cities is sufficient to police the fewer roads that are naturally accessible when it is necessary to go ten miles through our larger cities than the half-mile now prescribed by Federal authority and into which many of the streets of these cities enter.

I recommend that it be made a felony for any person to sell liquor in the State, who is not duly licensed for that purpose. This reaches the man who buys the liquor from the dealer and goes upon the street corner or the back alleys or the cantonment line, and peddles it out to a soldier for a consideration.

I recommend that it be made a felony for any man anywhere under any circumstances to sell any liquor to any man in uniform, who is in the military or naval service of the United States. This reaches every person, the dealer with a license, and the "bootlegger" without a license. This should be as broad and as sweeping as the statute can be made and apply indiscriminately to every person.

I recommend that it be made a felony for any person to directly or indirectly buy for, procure for, or give or directly or indirectly deliver to any person in the military or naval service of the United States while a state of war exists, any character of intoxicating liquors, so that if the seller knowingly takes money from the hanger-on or law-breaker on the street, who takes the soldier's money and goes into a place of business to procure liquor, such seller, as well as the person passing the money to the seller and the liquor to the soldier, shall be guilty of a felony. This is in harmony with the regulations of Federal authorities, but becomes more effective when violators can be prosecuted under the State law.

I recommend that persons soliciting soldiers to meet lewd women be punished as a felony, thus reaching that class of people who constitute the avenue of communication between the lewd women who have come into the vicinity of these cantonments and into the towns and cities and counties where they are located. The very touch of this class of vice peddlers, as well as their wares, is worse than war and pestilence and famine, and the design of plying their vocation among the soldiers of their country should be prohibited by severe penalty.

I recommend that violations of these laws be given preferred consideration on the dockets of our courts and that the statutes so provide.

The venue of all these cases will, of course, be laid in the county where the offense is committed. The good people of these counties are so deeply in earnest in protecting these soldier boys and will be so deeply in earnest in upholding these laws, if they are passed, that we may depend upon them for the most rigid and unrelenting enforcement of every statute suggested.

It has been suggested that the President of the United States is authorized to make such regulations governing the prohibition of alcoholic liquors in or near military camps as he may deem advisable and therefore has the power to declare a zone for the protection of the soldiers. In order to declare a zone which included an entire city or a considerable portion of it the Federal authorities would necessarily assume control, thus subordinating the

local civil authorities to the military and virtually putting martial law into effect. To create a zone in this fashion of sufficient extent to meet the requirements would be undesirable since it would disturb and conflict with local authorities and prove embarrassing to the Federal Government. It is self-evident that to accomplish the best results such a zone must be established by the State government and the law enforced by local officers.

I am not unmindful of the fact that as a means of accomplishing the results here sought many people advocate statutory statewide prohibition with more or less confidence in its ultimate success. I do not assume for a moment to pass judgment upon the constitutionality of such a law, yet all will admit that eminent lawyers have expressed the opinion that a law along this line is in conflict with the Constitution of the State.

The zone law, however, is deemed to be in the nature of a regulatory rather than a prohibitory act, and involves merely the exercise of that police power with which the State is fully clothed to deal with the barter, sale and exchange of liquor. In other words, it is indicated that statutory prohibition would offer the possibility of a vigorous contest in the courts while a zone law would not be open to successful attack through court procedure.

The need of the hour is immediate and efficient suppression of an admitted evil. The measure that is strong because of its certainty is to be preferred over a measure that in reaching too far may incur the risk of failing entirely.

I realize that an Act providing for a ten-mile zone will put prohibition into effect in most of that portion of Texas where it has not been adopted by the people of the localities. The consideration, however, is of no importance compared to that of providing the soldiers at these camps with the surroundings desired by their chief commander, the Secretary of War, with surroundings that are conducive to a more potent and more efficient army, and with those surroundings that all of the right-thinking people of Texas will want them to have in the face of such a request.

The highest duty the Legislature of Texas and the Governor of Texas owe to the people of Texas, to the

fathers and mothers of these soldier boys far from home and in new and untried spheres of life, the highest duty to our common country and to the flower of our manhood so freely offering their lives, if need be, in our country's defense, is to exercise the powers of the trust they hold, in protection of the morals and the health of these soldiers in our midst and to help them be what they so ambitiously and patriotically desire to be, clean, morally and physically, men and soldiers who are good and strong, physically able and skillfully trained, to measure lances with the most cruel and most vicious foe that has ever darkened the door of civilization or stayed the march of freedom's van.

In my opinion the laws which I have mentioned will, if adopted by the Legislature in proper form, effectually exterminate the evils at which they are aimed and to the accomplishment of these purposes I invite your most earnest consideration.

It is important to enact legislation intended to bring total or partial relief to the citizens in that vast area of Texas comprising about one hundred and fifty counties and which suffers affliction from the severe drouth of 1917. At my instance and as a result of a meeting called by me of the officers of agricultural and industrial organizations of the State a committee composed of Hon. Frank Kell of Wichita Falls and Hon. W. H. Fuqua of Amarillo made a trip to Washington and petitioned the Secretary of the Treasury to deposit government funds in the banks of that section to be loaned out to farmers and cattlemen on the most liberal terms that may be allowed. An arrangement with the Treasury Department of the United States along that line is now being worked out through the assistance of Hon. W. F. Ramsey, Federal Reserve Agent for the Eleventh Regional Bank District. I have submitted the subject, hoping that the representatives from the area more vitally concerned and the Legislature in its wisdom may evolve a plan that is helpful and feasible.

The people of Texas in August, 1917, adopted an amendment to the Constitution of the State authorizing the formation of one or more counties or subdivisions thereof into districts for the purpose of reclaiming lands that are rendered useless for cultivation because of overflow and

swamp conditions. Some of these lands are the most fertile in the State and can be made the most productive if rescued from the blight that now overtakes them. It is important to the material progress of Texas in time of peace and it is important to the end of increasing the productive capacity of the State in time of war that legislation be enacted now authorizing the establishment of these districts and making it possible to impose the necessary tax, sell securities and set on foot the legal machinery which will put into effect this addition to our organic law.

The fact that under the present system of depositing State funds there is at times a large amount lying in idleness in the vaults of the State Treasury and the fact that a better defined method of clearing all remittances to the various departments of the State government should be provided, make it expedient to enact laws which will remedy these conditions. The amount of funds which the State may put out at interest should not be limited and sufficient elasticity should be given to a board of duly authorized officials of the State to deposit the public money in such manner as will bring the State the most profit and the most benefits and at the same time better serve the people by keeping such funds available for the ordinary channels of business. The law should provide, too, for the strongest safeguards in depositing the money of the State.

Supplementary to this message I am submitting communications bearing upon the subjects presented for the information of the Legislature.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

(Copy of Western Union Telegram)

Washington, D. C., Feb. 9, 1918.

W. P. Hobby, State House, Austin:

In view of the special session which you have convened in Texas at this time it may be stated that owing to conditions now prevailing in Houston, Fort Worth, and elsewhere the War Department will be deeply interested in any effective measures which will make it more difficult for soldiers in the camps of Texas to obtain liquor and which shall further safeguard their health

from the diseases growing out of commercialized vice.

NEWTON D. BAKER,
Secretary of War.

(Copy of Report)

Texas State Council of Defense.

Wichita Falls, Texas, Feb. 11, 1918.

Governor W. P. Hobby, Austin.

Dear Governor Hobby:

I notified the members of your committee which was appointed to go to Washington City and call upon the Comptroller of Currency for the purpose of trying to secure deposits in the drouth stricken counties, of public funds. Our meeting was called for Monday, February 4, at Washington City.

Mr. W. H. Fuqua of Amarillo and myself were the only members of the committee who had the time to reach Washington City at that time.

In company with Honorable T. B. Love, Assistant Secretary of the Treasury, we called upon Comptroller Williams, and after discussing the matter with him in detail, he very cheerfully agreed to recommend to Secretary McAdoo that he place on deposit in the drouth stricken counties of Texas, Government funds to the amount of \$10,000,000.00 to \$20,000,000.00 at any time and place that such funds may be needed under the usual Government regulations.

Both Comptroller Williams and Assistant Secretary Love heartily recommended to Secretary McAdoo that this be done. This appeal to Secretary McAdoo was also supported by an urgent appeal from Senator Morris Sheppard, who called upon Secretary McAdoo on February 5th in behalf of our request.

It is with much pleasure that your committee can report that the Secretary of the Treasury has announced his willingness to not only make Government deposits as needed but also to aid the drouth stricken region of Texas in every possible way. Inasmuch as the Secretary of the Treasury is willing to aid our drouth stricken people and the psychological effect that this information would have in that section, we believe it wise that you immediately give widespread publicity to this information throughout the affected counties.

We, your committee, desire to emphasize that we are greatly under

obligation to Honorable John Skelton Williams, Honorable T. B. Love and Honorable Morris Sheppard for their assistance in this matter.

Yours truly,
(Signed) FRANK KELL, Chairman.

(Copy of Letter.)

Treasury Department, State of Texas.

Austin, Feb. 25, 1918.

Hon. W. P. Hobby, Governor:
Dear Sir:

Referring to your message calling the Legislature in special session for the purpose, among other measures, of passing a depository law which will authorize the State Treasurer to keep all surplus funds of the State out on interest at all times, permit me to suggest that you also recommend in this bill, or in a separate bill, that all State officers who collect State funds shall make their deposits direct into the State Treasury as often as deemed necessary instead of depositing in the banks and making monthly settlements with the State, as is the present custom, and to provide for the State Treasurer to clear these funds as well as all other funds he receives through the bank, or, in other words, make the Treasury Department a clearing house for all State funds.

For your information will state that during the entire year of 1917 our average daily balance of all funds in the State Treasury was, in round figures, five million dollars. We have sixteen State Depositories at present which are allowed to have only \$50,000.00 each, or a total of \$800,000.00, leaving a daily balance of \$4,200,000.00 lying idle in our vaults. If this \$4,200,000.00 had been placed out on interest at the same average rate paid by the sixteen Depositories, 4.27 per cent, it would have earned the sum of \$179,000.00. If we had only received the usual banking rate of 2 per cent it would have earned the sum of \$84,000.00, to say nothing of the benefit to the State at large.

However, I beg to state that our balances during the past year were unusually large, never before in the history of the State were they so great and in all probability they will never again reach that average balance during an entire year, but, at certain periods during each year, we always have a large surplus that

could be earning something instead of lying idle in the vaults.

Trusting that you will not think me presumptuous in addressing you as I have, I beg to remain,

Yours respectfully,
(Signed) J. M. EDWARDS,
State Treasurer.

Adjournment.

At 11:45 o'clock a. m. the Senate on motion of Senator Caldwell adjourned until 10 o'clock tomorrow morning.

APPENDIX

Petitions and Memorials

The following are printed here by order of the Senate:

Austin, Texas, Feb. 26, 1918.

Hon. E. A. Decherd, Jr., President
Pro Tempore of the Senate, Austin,
Texas.

My Dear Sir:

I am informed that on yesterday evening in a caucus of Senators, the question of my being pro German in sympathy at the outbreak of the war was raised, and the matter of correspondence between Senator Page and myself in relation thereto was discussed.

This was made the subject of inquiry last spring, at the First Called Session of the Legislature, in my absence, and I was exonerated by the Committee. Inasmuch as I have never been pro German in sympathy in this war, either before our country declared war or since, and any charge to the contrary involving, as it does, a serious reflection on me and against my personal integrity, and since all discussion and inquiry so far have been wholly ex parte, I respectfully ask that the attached correspondence between Senator Page and myself, above mentioned, be printed in the Senate Journal. If Senator Page objects to his letters appearing in the Journal, I hereby waive request that they be so printed, but ask that my letters in reply to his appear in the Journal.

I make this request not only as a matter of personal justice to myself, but in view of my former relation to the Senate and my relation at this

time, I think my statement relative to this unpleasant controversy should appear.

Very respectfully,
(Signed) W. V. HOWERTON.

Bastrop, Texas, Feb. 7, 1918.

Mr. W. V. Howerton, Capitol Station,
Austin, Texas.

Dear Mr. Howerton:

I have your favor of February 6th, and replying beg to say:

I know that you are perfectly qualified to fill the position sought, and it may be that I will be able to support you. Some days ago I received a letter from Mr. Ralph Soape, who seems to want this place, and while I did not commit myself to him, I answered that it might be possible that I would support him.

I am always frank, and it was reported to me during the last session of the Texas Senate that you made some disloyal remarks in the Senate Chamber. I do not think I am mistaken as to this. If I am not, this matter will have to be straightened out before I could consistently vote for you.

I thank you very much for the copy of the report of the Senate and House Investigating Committee, and will be glad to have you explain the above incident if you feel disposed to do so.

Yours sincerely,

PAUL D. PAGE.

Austin, Texas, Feb. 9, 1918.

Hon. Paul D. Page, Bastrop, Texas.
My Dear Senator Page:

I have your kind favor of the 7th instant, and hasten to reply.

I wish to state that I never made a statement in my life that by any means of reasonable or sensible construction could be made to appear as disloyal to my Government. Nor do I believe that I am capable of thinking in terms of disloyalty or harboring a disloyal sentiment.

The incident about which you doubtless have reference was occasioned by an argument one evening last spring in the Senate Chamber between Senator Westbrook and Senator Darwin on the one side and myself on the other, relative, in the main, to the McLemore resolution which was defeated in Congress, they taking the position that it would have made our Nation appear weak and contemptible before the other Nations of the world for the Con-

gress to have adopted the resolution, while I maintained that its adoption would have been wise and prudent.

In this connection, also, Senators Westbrook and Darwin brought up the charges of German cruelty to the peoples of the conquered territories. At the time, I said that I did not believe the charges of such excessive cruelties were well founded, and that, in my opinion, many of the reports were gross fabrications; and I argued that from my observation of the characteristics of Germans in this country I did not believe the German Nation capable of such cruelties.

In this argument I claimed that our diplomatic machinery should have tried out further before giving up all hope and entering the war.

I think these points embrace the whole range of the discussion, which was somewhat animated—punctuations with the exclamation point appearing frequently and some passages on both sides, were featured in italics.

I never understood that the adoption of the McLemore resolution could have been construed in the remotest sense as a recognition of Germany's right to sink the ships of neutral countries. I never was a political supporter of Mr. McLemore, but I do cherish the right of an American citizen to uphold a correct position any man may take, though I differ with him on everything else he stands for. In the race for Congressman-at-Large, I supported Senator Darwin over Mr. McLemore, though I am not quite certain as to Mr. Darwin's position on the McLemore resolution in the campaign; but I would have supported him any way had I known that he opposed said resolution, which I suspect he did.

But, with reference to the phase of the argument relating to German cruelties, I am sad to say that I was mistaken; for I have received officially from the Committee on Public Information, composed of the Secretary of State, the Secretary of War, the Secretary of the Navy, and George Creel, a "Press Edition" copy of "German War Practices, Part 1, Treatment of Civilians," which reveals practices and cruelties so enormous as to be almost beyond the limit of exaggeration. I cannot doubt these cruelties now, for I have my information from a source that is officially authorized by our Government. I cannot see that it would have been inexpedient

or unwise for the Government to have given this information to the people, first hand, even before war was declared, in order that the people could have better understood how the peace of the world was menaced and what we had to engage in war for.

I remember, on this occasion, I spoke of Germany's contribution to the citizenship of this country, and admonished that the German citizenship here could not be measured by the brutal standards set in war in the Old World, and I distinctly remember referring to that type of German citizenship exemplified in such men as F. C. Weinert, Julius Real, and the late Walter Tips, who, I said then and say now, were as honorable men as ever sat in the Texas Senate. I would have mentioned Mr. Faust, too, had his name occurred to me at the time.

Though some of my best friends are Germans, I owe nothing especially to any German on earth or to the German people. I have not a drop of German blood in my veins. My ancestry are all English, Irish and Holland Dutch. My children have no German blood in their veins, their mother's ancestry being mainly of English origin, with the paternal name of Moore, and the maternal family names of Clement and Bogart, all pioneer families of Collin county, Texas, who settled there long before the Civil War.

I did not know that this incident and anything I may have said had been made the subject of inquiry until late in the summer when I was in the State Library one day and Mr. Marron, the Legislative Reference Librarian, asked me if I knew I had been investigated. I told him I did not, as I was away from Austin nearly all during the session of the Legislature and until some time in the following June. He referred to files of the Senate Journal, and I read the statements of Senators Westbrook and Darwin, which statements are substantially correct, though they seem to have misunderstood my real feeling and attitude about as far as is possible to misunderstand anything. But such a misunderstanding is the usual result of an immoderate discussion.

This subject has never been mentioned between us since; and I feel sure that nothing would be more astounding and absurd to either Sena-

tor Westbrook or Senator Darwin than to hear of my loyalty being called in question. When Senator Westbrook and the other Senators composing the Investigating Committee met in Austin on the first of November to begin work, he asked me if I would serve as Secretary of the Committee, without my soliciting the position or having thought of asking for such a position. I told him I would serve the Committee if he would make the personal request of General Looney to relieve me of my duties in the Department of the Attorney General while the work of the Committee lasted. He did so, and General Looney was good enough to grant his request, though Mr. Looney told me that he did not know how much it would inconvenience him to let me go, but that he would take the chances inasmuch as the Chairman of the Committee had made the request. I had not had a conversation with Senator Westbrook since the adjournment of the Legislature last May, until he made the request for my services. Why he should want my services, you can infer for yourself. But knowing Senator Westbrook as I do, I know that he would not have had my services under any circumstances if he had suspected that I was tainted with disloyalty. I was chosen unanimously by the Committee, and I am sure that no other Senator on the Committee would have accepted my services had he entertained any suspicion as to my loyalty.

I will say that my older son, Edgar, who is eighteen years old, is serving under the flag in our navy, and has been since the 24th of August, 1916, the day he was seventeen. He is serving on the converted armored cruiser (first class) the Pueblo, formerly the battleship Colorado, engaged, as I understand, in convoying across the Atlantic. His ship was detached from the Pacific fleet last May or June and sent into the Atlantic. He seems to be enthused with the service. Instead of sending any of his money home, I am urging him to put all he can into Liberty Bonds. The last time I heard from him, he had already bought some of the bonds.

My younger son, John, who is just past fifteen, is serving in a clerical position in the Aviation School here, and is taking a stenographic course

at night school with a view of working up in this branch of the Government service. The influences that surround him are certainly calculated to instill patriotism, and I encourage him all I can.

I may add that I am in possession of definite information that my lineal ancestry have been well represented in every war in this country since and including the War of 1812, with the exception possibly of the late Spanish-American war. My great grandfather Joseph Norris served in the War of 1812, and, also, the wars with the Indians in Alabama and Florida, under General Andrew Jackson, in the early part of the last century. My early paternal ancestry I do not know much about, as they nearly all remained in Virginia where the earliest of them by the name I bear come from England prior to the Revolution. I have a family tree that reaches back to my great grandfather Howerton, whose plantation was in King and Queen county, Virginia. My father was a Kentuckian, but was raised principally in Illinois. At sixteen he was a soldier in General Sherman's army, though he had to make his age appear as eighteen when he enlisted. Survivors of Company D. Fiftieth Illinois Volunteers, whom I knew when a boy said he was a brave, honorable soldier. He was honorably discharged from the army at Washington City after the war closed. His folks were strong Douglas Democrats, and my father was an ardent Democrat to the day of his death. My mother's people were strong Southern sympathizers, and several of her uncles by the name of Norris served in the Confederate Army, from Missouri.

I have several cousins now under the colors, I know of, from Missouri and Canada. I have one cousin, whose home is Victoria, British Columbia, who is in the English navy, and another whose home is Kirksville, Missouri, who is in the American navy. I do not know how many of them are in the army by now, as my immediate blood relatives I know much about all live in Missouri and Illinois, and I do not hear from my folks in Missouri very often.

I wish to state that I heartily endorse every act of Congress and every order of the President, since the declaration of war, designed to put our Nation on a war footing. A flood of

light has been thrown upon events which led to the declaration of war the people were in the dark about before, and this has done all that could be desired to unite the people. I have always believed that if you let Americans know they have a just cause to fight for there will be very few slackers.

I am afraid, my dear Senator, I have made this statement unnecessarily long, but this is a matter that interests me, and I feel like I would like to say even more. I will make no mention of this past incident to either Senator Westbrook or Senator Darwin, until you shall have taken the matter up with them, if you feel like doing so; and for your convenience I am enclosing two carbon copies of this letter to you, in order that you may mail them to these Senators and request their statements in reply. I believe, too, that Senator C. R. Buchanan of Snyder, was present on the above occasion.

I would not discuss the war situation with any man that I thought was not thoroughly loyal. About the only man, however, I have discussed our general war policy with is Hon. C. M. Cureton, First Assistant Attorney General, whose loyalty and efforts at encouragement of enlistments in this State are well known. A time or two I have discussed such subjects with him because of his recognized ability and because I wanted information. He knows my viewpoint and feelings, I think, quite well.

I am enclosing you, under separate cover, some marked editorials I wrote the year before this country entered the war which, if you feel interested in reading, will give you a better idea of my views and feelings as touching upon the questions I discussed with Senators Westbrook and Darwin.

As I explained in my former letter, my services will be available to the Senate as Secretary. I know the value I can make my services in the event of a busy session. I assume the Senate will want to carry out a constructive program along the lines the Governor submits. If I thought otherwise, and that there would be an attempt to carry out a program of obstruction and political horse-play, I would not desire the place. But I have confidence enough in the membership of the Senate to believe that there will be witnessed no such spectacle. I know the help that I can be along the line of affording to the

Senators ready and easy reference and information as to the various matters making up the record of the recent investigation. The record will be too voluminous to print, and reference will have to be had almost entirely to the files. My only desire is to serve and not to strut around and try to look smart or ornamental. The Senators composing the Investigating Committee anticipate a hard-worked session, and for that reason some of them asked me to apply for the Secretaryship, which I will do. I have no political ax to grind for anybody, and I hope that I will not stand in the way of any political ax-grinders.

To speak plainly, the record of the investigation shows that the political ax-grinding proposition now amounts to almost a shame and a scandal in this State.

I can say with pride that during the several sessions I served as Secretary of the Senate I never made but one mistake in recording a Senator's vote, and that was the vote of Senator Hudspeth once when I failed to understand his answer to the roll call in the midst of considerable confusion and on a close vote; but this error was immediately discovered and was not necessarily fatal to the measure. You will not find a correction of a recorded vote in the Journal the whole time I was Secretary. I never duplicated a number of a bill or resolution and never skipped a number. There never was a fatal defect in the transmission of any matter from the Senate to the House while I was Secretary, or in the making of proper endorsements and record of any matter received from the House. In this connection, however, I ascribe a just share of the credit to the efficient Assistant Secretary, Mr. John D. McCall. I always regarded myself in the relation of an employe of each Senator, and I am sure no Senator will say that I ever failed to treat all the Senators with uniform courtesy and impartiality. I never spoke disparagingly of any Senator's position on any question before the Legislature, as I always treated such matters as the business of the Senators and not my business. And if chosen again for this position I will give it as close and as intelligent application as I can.

I appreciate your kindness and fairness in calling my attention to

the matter about which you inquire, and I would prefer that you have Senator Westbrook's and Senator Darwin's statements and points of view before making the matter determinative in your own mind.

Very respectfully,

(Signed) W. V. HOWERTON.

Bastrop, Texas, Feb. 14, 1918.

Mr. W. V. Howerton, Capitol Station, Austin, Texas.

Dear Mr. Howerton: I beg to acknowledge receipt of your very full letter of February 9th, which I was very glad to have.

I regard you as a very competent man, and think that you will make an excellent Secretary. I must in candor say, however, that I think you made a very grave mistake from your own statement when you said after our country was at war with Germany that you disagreed with the President and Congress, and thought that further diplomatic maneuvers should have been resorted to before entering the war. This language, Mr. Howerton, after a declaration of war trenched very closely upon a treasonable utterance and, in fact, I believe under the strict letter of the law that your language was treasonable. I am quite sure, however, that you did not so understand it, and I feel from the tenor of your letter that you now regret having made such an utterance.

I will not communicate with the Senators about this matter until I reach Austin, at which time it is my intention to take up the matter of your appointment in the caucus very fully, and it is altogether likely that I will want you to come before the caucus and make the explanations mentioned to me in your letter before I can consistently vote for you. I do not now commit myself, preferring as I said to wait until the assembling of the Legislature. I would like for you to have the Secretaryship on account of your competency, and my mind will remain open until the convening of the Legislature.

Yours very sincerely,

PAUL D. PAGE.

Austin, Texas, Feb. 18, 1918.

Hon. Paul D. Page, Bastrop, Texas.

My Dear Senator Page: In reply to yours of the 14th instant, I will say that I shall be very glad to appear before the Senate caucus and

make any proper statement, or answer any question any Senator may desire to ask, concerning the statement or statements about which you may see fit to inquire.

I agree with you that it is highly improper to question the propriety of entering the war, after a war declaration, at least during the continuance of the war. Whether or not diplomacy should have been tried out further, is a question that should not now be discussed, and should not have been discussed at any time subsequent to the declaration of war. I am sorry to have participated in the discussion I explained to you. I was expressing only a private view I entertained at the time, and would not then have discussed such a matter in public or put my views in writing. Of course, as events have thrown more light upon the situation my views have changed, and as I stated before, I approve of all that has been done and is being done to put our Nation on a war footing.

Hoping to see you soon, and with personal regards, I am

Very respectfully,

(Signed) W. V. HOWERTON.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 26, 1918.
Hon. E. A. Decherd, President Pro
Tem. of the Senate.

Sir: Your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 1, "Ratifying the amendment to the Constitution of the United States of America proposed by the Sixty-fifth Congress of the United States at its second session, prohibiting the manufacture, sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes; authorizing Congress and the several States of the United States of America to have concurrent power to enforce said article by appropriate legislation, and providing that said article shall be inoperative unless it shall have been ratified as an amendment to the Constitution of the United States by the Legislatures of the several States, as provided in the Constitution, within seven years from

the date of the submission of same to the States by Congress,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal only.

WESTBROOK, Chairman.

S. J. R. No. 1. By Westbrook, Dean,
Decherd, Hopkins,
Collins, Alderdice,
Buchanan of Bell,
Smith, Buchanan
of Scurry, Johnson
of Hall, Dayton,
Suiter, Lattimore,
Strickland, Floyd.

Ratifying the amendment to the Constitution of the United States of America proposed in the Sixty-fifth Congress of the United States of America at the Second Session, begun and held at the City of Washington on Monday, the third day of December, one thousand, nine hundred and seventeen.

Whereas, both houses of the Sixty-fifth Congress of the United States of America at its second session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America, in the following words, to wit:

"Joint Resolution

"Proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein): That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

"Article ———

"Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

"Section 2. The Congress and the several States shall have concurrent

power to enforce this article by appropriate legislation.

"Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution, by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress."

Therefore, be it resolved by the Senate and House of Representatives of the State of Texas that the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislature of the State of Texas.

That certified copies of this preamble and joint resolution be forwarded by the Governor of this State to the President of the United States, the Secretary of State of the United States, to the presiding officer of the United States Senate, and to the Speaker of the House of Representatives.

SECOND DAY.

Senate Chamber,
Austin, Texas,
Wednesday, Feb. 27, 1918.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. Decherd.

The roll was called, a quorum being present, the following Senators answering to their names:

| | |
|---------------------|---------------------|
| Alderdice. | Hopkins. |
| Bailey. | Hudspeth. |
| Bee. | Johnson of Hall. |
| Buchanan of Bell. | Johnston of Harris. |
| Buchanan of Scurry. | Lattimore. |
| Caldwell. | McNealus. |
| Clark. | Page. |
| Collins. | Smith. |
| Dayton. | Strickland. |
| Dean. | Suiter. |
| Decherd. | Westbrook. |
| Floyd. | Woodward. |
| Hall. | |

Absent—Excused.

| | |
|------------|----------|
| Gibson. | Parr. |
| Henderson. | Robbins. |
| McCollum. | |

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed

with on motion of motion of Senator Smith.

Petitions and Memorials.

See Appendix.

Committee Reports.

See Appendix.

Pages and Porters.

The Chair announced the appointment of the following pages and porters:

Porters: Willie Carpenter, Henry Green, Buck Green, Irwin Hatcher, Eugene Williams, Jack Blocker, Horace Nickols, Robert Warren.

Pages: Dick McNutt, A. W. Kennard, Berkley Bell, John Moulden, Burwell Townley, Wilbur Johnson, Gustave Strithoff, Young Dowlen, G. K. Shearer, Jr., Ben Gresham.

Secretary to the President Pro Tem., William Atkinson.

Bills and Resolutions.

By Senator Dean:

S. B. No. 3, A bill to be entitled "An Act to amend Article 611 of the Penal Code of Texas adopted in 1911, so as to prohibit the sale of spirituous, or vinous liquors in quantities of one gallon or less, without taking out a license as a retail liquor dealer; prescribing a penalty for the violation of this Act; providing that prosecutions under this Act shall have precedence upon the dockets of the district courts; providing that persons convicted for violations of this Act shall not have the benefits of the suspended sentence act; and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Dean:

S. B. No. 4, A bill to be entitled "An Act to amend Article 612 of the Penal Code of Texas adopted in 1911, so as to prohibit the sale of malt liquors capable of producing intoxication, in quantities of one gallon or less, without taking out a license as a retail malt dealer; prescribing a penalty for the violation